



RICHARD SHUMSKY
Chief Probation Officer

COUNTY OF LOS ANGELES PROBATION DEPARTMENT

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(562) 940-2501



February 27, 2003

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

APPROVAL TO REVISE THE DISTRIBUTION OF COURT ORDERED PROBATIONER PAYMENTS TO COMPLY WITH ASSEMBLY BILL 3000

(ALL SUPERVISORIAL DISTRICTS, 3 VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

1. Rescind your Board's September 19, 1995 Resolution authorizing distribution of payments received from probationers by the Chief Probation Officer and approve the distribution method mandated by Assembly Bill 3000 (AB 3000).
2. Delegate authority to the Chief Probation Officer to implement any revision to the distribution method that is approved by the State Controller's Office and has a positive impact on Departmental revenue.
3. Adopt the attached resolution approved by County Counsel as to form.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Probationers are usually required as a condition of probation to make payments for victim restitution, fines, and costs, including the costs of administering probation. The Chief Probation Officer collects and disburses these funds in accordance with State statutes and guidelines. On September 19, 1995, your Board approved the State-authorized equitable distribution method that prorated payments equally between victim restitution, fines, and costs. This method allowed each installment or partial payment to be prorated among all claimants. Effective October 1, 2002, a new distribution method was mandated by AB 3000. This new legislation established priorities for distribution of a probationer's payments as follows:

1. Victim restitution
2. Twenty percent (20%) fine surcharge (State)
3. Fines, penalty assessments, and restitution fines (primarily State)
4. Other reimbursable costs (Cost of Probation Services and other miscellaneous revenues)

Prior to AB 3000, lost collection revenue due to failure to complete probation was equally prorated between all claimants. The legislatively mandated change from the current method places the Cost of Probation Services in the lowest disbursement priority. Delaying the recovery of the Cost of Probation Services to the later part of the probationary period creates a \$2.6 million revenue loss because 25% of probationers fail to complete their probationary periods.

The State Controller's Office (SCO) sets the accounting standards used by all probation officers in the State. That office is currently in the process of providing guidance on AB 3000 and updating the State's Manual of Accounting and Audit Guidelines. We have already been notified that the State Controller will reiterate the priorities mandated by AB 3000. When the guidance letter is issued, we will implement all provisions that improve departmental revenue within statutory limitations.

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Implementation of Strategic Plan Goals

The recommended Board actions are consistent with the Countywide Strategic Plan under Goal #1 Service Excellence and Goal #4 Fiscal Responsibility. Implementation of the recommendations will improve services to victims, while providing a means to enhance revenue within State guidelines and without negatively impacting victims of crime.

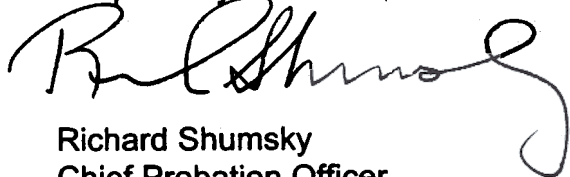
FISCAL IMPACT/FINANCING

Implementation of the provisions of AB 3000 will result in an annual ongoing revenue loss of \$2.6 million from reduced Cost of Probation Services revenue and other miscellaneous reimbursable costs and a reciprocal increase to victim restitution, fines, restitution fines, and penalty assessments.

IMPACT ON CURRENT SERVICES

The implementation of AB 3000 will result in increased restitution to victims of crimes. However, it will also have a negative impact on services provided by the Probation Department due to the loss of \$2.6 million in revenue, which is being considered by the Chief Administrative Office as part of the 2003-04 Budget process.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard Shumsky", with a long, sweeping flourish extending to the right.

Richard Shumsky
Chief Probation Officer

RS:ab

c: Executive Officer, Board of Supervisors
Chief Administrative Officer
County Counsel

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES
TO COMPLY WITH ASSEMBLY BILL 3000

**REVISING THE DISTRIBUTION METHOD ON COURT-ORDERED
PROBATIONER PAYMENTS**

WHEREAS, as a condition of probation a defendant may be ordered by the courts to make certain monetary payments to be collected and distributed by the Probation Department, and

WHEREAS, Penal Code Section 1203.1d requires the Board of Supervisors to distribute probationer installment payments in a prioritized basis, and

WHEREAS, AB 3000 establishes priorities for distribution of probationer payments, and

NOW, THEREFORE, IT IS HEREBY RESOLVED that pursuant to Penal Code Section 1203.1d, the priority for distribution of installment payments collected from probationers shall be as follows:

- Priority One – Victim Restitution
- Priority Two – 20 percent fine surcharge
- Priority Three – Fines, penalty assessments, and restitution fines
- Priority Four – Other reimbursable costs

The foregoing resolution was on the ___day of____, 20____, adopted by the Board of Supervisors of the County of Los Angeles and ex-officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors of the
County of Los Angeles

BY _____
Deputy

Approved as to form:

Lloyd W. Pellman
County Counsel

BY _____
Deputy